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Jagadish Bandhole

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,110

Applicant(s)

BANDHOLE ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment
Applicant has amended claims 1, 5 and 18.
Claims 1-24 are pending.

Response to Arguments

1. Applicant's arguments filed 4/28/2006 have been fully considered but they are not persuasive.

A. Regarding independent claims 1, 5 and 18: Applicant argues that the cited prior art of record, *Butler* (USPN 6,584,493), fails to disclose a “dynamic computing environment” and sharing resources between a first and second user interface, as cited in the claimed limitations.

A.1. Examiner respectfully disagrees. As stated in Applicant's Remarks (page 10) filed on 4/28/2006, “...a dynamic computing environment thus includes one or more resources that are allocated in order to form the dynamic computing environment, and then shared and used to support the users of the dynamic computing environment”. Although *Butler* fails to expressly disclose a dynamic computing environment, *Butler* does teach the functionality of such an environment by dynamically allocating resources and sharing the resources with the users of the conferencing and collaboration network environment (Abstract, col.6 lines 36-49, col.9 lines 22-26, col.11 lines 55-65, col.13 lines 30-41). Applicant's entitlement to act as his own lexicographer does not preclude art that fails to expressly use Applicant's exact lexicographic terms—rather, it is the meaning of these terms that has to be given weight and broad interpretation by the Examiner when applying art that appropriately teaches the scope of

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Applicant's invention. Therefore, *Butler*'s teaching of a conference and collaboration environment where sharing among the user's is supported and resources are dynamically allocated is sufficient in fulfilling the meaning and function of a dynamic computing environment as defined in Applicant's specification. The rejection under *Butler* is therefore maintained.

A.2. Furthermore, *Butler* teaches sharing resources between a first and second user interface by sharing applications from one member node to another (col.16 lines 27-30). In fact, *Butler* teaches various instances in which sharing is implemented from the host interface to another user interface (col.11 lines 55-65, col.13 lines 37-44, col.15 lines 43-50). Applicant's arguments are therefore non-persuasive and the rejection under *Butler* is maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-11, 13, 14 and 18-21** are rejected under 35 U.S.C. 102(e) as being anticipated by *Butler* (USPN 6,584,493).

a. **Per claim 1**, *Butler* teaches a method for collaborative computing in a system the method comprising:

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- allocating a dynamic computing environment using a first user interface, wherein the dynamic computing environment comprises at least one resource of a plurality of resources, and the dynamic computing environment is allocated by virtue of allocating the at least one resource (Abstract, col.4 line 28-col.5 line 10, col.6 lines 22-49, col.11 lines 55-65, col.13 lines 37-44, col.15 lines 43-50; provision for dynamic allocation of memory and applications);
- sharing the at least one resource between the first user interface and the second user interface (col.5 lines 39-67, col.9 lines 53-65);
- executing an application on the at least one allocated resource using either the first user interface or the second user interface (col.4 line 28-col.5 line 10, col.5 lines 39-67, col.11 lines 28-40; provision for application-sharing with the allocated memory of each member/participant);
- transferring information generated by execution of the application to the first user interface (col.6 lines 1-35, col.11 lines 1-44, col.18 line 1-col.19 line 37); and
- transferring the information generated by execution of the application to the second user interface in response to a command to collaborate with the second user interface (col.11 lines 28-65, col.14 line 15-col.15 line 24, col.16 lines 8-56, col.19 line 7-col.20 line 57).

b. **Per claim 5, *Butler*** teaches a method for providing sharing of a software process among multiple users, the method comprising:

- allocating a distributed computing environment by virtue of allocating a first user computer and a second user computer (Abstract, col.6 lines 36-49, col.9 lines 22-26, col.11 lines 55-65, col.13 lines 30-44, col.15 lines 43-50, col.16 lines 27-30);
- using a resource computer to transmit information about execution of the process to the first user computer, wherein the resource computer executes the process in a first location (col.4 line 28-col.5 line 10, col.5 lines 39-67, col.6 lines 22-49, col.9 lines 53-65), and
- a first user operates the first user computer in a second location (Abstract, col.4 line 28-col.5 line 10, col.6 lines 22-49, col.19 lines 38-67); and

- using the resource computer to transmit information about the execution of the process to the second user computer, wherein a second user operates the second user computer in a third location, and (col.4 line 28-col.5 line 10, col.5 lines 39-67, col.11 lines 28-40, col.20 lines 28-46)
- the first user computer and the second user computer comprise the distributed computing environment (Abstract, col.14 line 15-col.15 line 24, col.16 lines 8-56, col.19 line 7-col.20 line 57, col.23 line 60-col.24 line 3).

c. **Claim 18** contains limitations that are substantially similar to claim 5 and is therefore rejected under the same basis.

d. **Per claim 2**, *Butler* teaches the method of claim 1, further comprising modifying the information in the first user interface by interacting with the at least one shared resource through the first user interface (col.4 line 61-col.5 line 55).

e. **Claim 9** is substantially similar to claim 2 and is therefore rejected under the same basis.

f. **Per claim 3**, *Butler* teaches the method of claim 1, further comprising modifying the information in the second user interface by interacting with the at least one shared resource through the second user interface (col.5 lines 56-67).

g. **Claim 10** is substantially similar to claim 3 and is therefore rejected under the same basis.

h. **Per claim 4**, *Butler* teaches the method of claim 1, further comprising switching control to modify the information between the first and second user interface (col.5 lines 39-67, col.18 line 44-col.19 line 37).

i. **Claims 8 and 11** are substantially similar to claim 4 and are therefore rejected under the same basis.

j. **Per claim 6, *Butler*** teaches the method of claim 5, further comprising controlling the resource computer with the first user computer (col.6 lines 1-62).

k. **Per claim 7, *Butler*** teaches the method of claim 5, further comprising controlling the resource computer with the second user computer (col.6 lines 1-62).

l. **Per claim 13, *Butler*** teaches the method of claim 5, wherein the shared software process is a user interface controller (col.5 lines 27-43, col.6 lines 50-62, col.9 line 30-col.10 line 64, col.11 lines 45-53).

m. **Claim 14** is substantially similar to claim 13 and is therefore rejected under the same basis.

n. **Per claim 19, *Butler*** teaches the system of claim 18, wherein the dynamic computing environment is remotely located from the second and third location (col.6 lines 1-35).

o. **Claim 20** is substantially similar to claim 19 and is therefore rejected under the same basis.

p. **Claim 21** is substantially similar to claims 4 and 13 and is therefore rejected under the same basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 15-17, 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Butler* (USPN 6,584,493) in view of *Ansberry et al* (USPN 5,887,170).

a. **Per claim 16**, *Butler* teaches the method of claim of 5 as applied above, yet fails to explicitly teach the method wherein the system is used in technical support. However, *Ansberry et al* disclose the usability of the system extended to collaborative and non-collaborative distributed computing environments where a conferencing session may be manipulated, thus the examples demonstrate technical support and teamwork situations which may also be implemented in training or usability studies (col.7 line 66-col.8 line 31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Butler* and *Ansberry et al* for the purpose of implementing the system in training, technical support or usability studies environments since these the collaborative and cooperative nature of system would be ideal in such environments linking together users and devices across a network.

b. **Claims 15, 17, 23 and 24** are substantially similar to claim 16 and are therefore rejected under the same basis.

6. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Butler* (USPN 6,584,493) in view of *Moayyad et al* (USPN 6,690,400).

Per claim 12, *Butler* teaches the method of claim 5 as applied above, yet fail to explicitly teach the method wherein the shared software process is an operating system.

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However, *Moayyad et al* disclose the sharing of operating systems (col.2 lines 40-52 and col.5 lines 9-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Butler* and *Moayyad et al* for the purpose of provisioning the sharing of operating systems as an accessible allocated resource by a user; because it provides users the freedom to access and experience different operating systems without having to only use software-specific to only one operating system, the user would in turn be able to run various types of software programs upon accessing the appropriate shared operating system. Also beneficial to the user is the ability to have more than one operating system on a computer without having to maintain or purchase multiple computers.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Miyamoto et al (7,027,412), Nanja (7,065,637).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


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